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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

R. CHANEY et al.

Art Unit: 1638

Application Number: 09/437,607

Examiner: M. Ibrahim

Filed: November 10, 1999

Attorney Dkt. No.: 108172-00037

For: RECOVERING METALS FROM SOIL

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SUPPLEMENTAL RESPONSE
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Commissioner for Patents
Washington, D.C. 20231

MAR 06 2003

March 3, 2003

Sir:

TECH CENTER 1600/2900

Further to Applicants' Response dated February 13, 2003, which was filed in response to the Office Action dated August 13, 2003, Applicant submits the following supplemental remarks.

REMARKS

Claims 1-47 are pending. Claims 5-7, 19-37, and 41-47 have been withdrawn from consideration. Claims 1-4, 8-18, 38-40 and 48 are rejected. Applicants respectfully request reconsideration and withdrawal of all rejections.

Double Patenting

As stated in the Office Action dated August 13, 2003, claims 1-4, 8-18 and 34-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 5,944,872 (the "872 Patent").